



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
JUVENILE JUSTICE MONITORING UNIT

TESTIMONY IN SUPPORT OF HB 96: JUVENILE COURT - JURISDICTION
House Judiciary Committee
March 2, 2023

Submitted by Nick Moroney, director, Juvenile Justice Monitoring Unit

The Juvenile Justice Monitoring Unit (JJMU) supports HB 96. We work to prevent abuse and ensure appropriate services in the deep end of Maryland's juvenile justice system. Our reports are at: <https://www.marylandattorneygeneral.gov/pages/jjm/default.aspx>

The automatic prosecution of children and young people as if they were adults is a relatively recent practice that takes away the balance afforded by court discretion to weigh allegations, charges and circumstances on a case-by-case basis when deciding whether to subject youth to the adult criminal justice system. The vast majority of youth who are automatically charged as if they were adults do not end up in the adult criminal justice system but, in the meantime, they may have been needlessly subjected to the risks associated with confinement through the adult criminal justice system – a system that has ultimately been found to be inappropriate for them.

The racial disparity regarding those subjected to automatic charging is stark: over 80 percent of young people automatically charged in Maryland are children of color. Driving youth into the adult detention and prison system entails high risk of abuse as well as self-harm for the young people left among adult criminal actors and also offers little to nothing by way of individualized services and support for those young people in that system - that is in stark contrast to the juvenile system. The juvenile system centers on service provision and the Department of Juvenile Services offers individualized services and supports for youth, regardless of the level of charges pressed against them.

If the current bill becomes law, it will not mean the end of prosecuting children as adults in Maryland, but it will mean the right of a court to examine charges and make decisions based on individual facts and circumstances is reinstated. Rather than having an automatic decision based on a type of charge, prosecutors will need to offer arguments to support turning a young person over to the adult criminal justice system.

For these reasons, the JJMU supports HB 96 and respectfully urges the committee to give the bill a favorable report.